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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,961	10/30/2000	Darshatkumar Shah	MS150612.1	8291

27195 7590 08/24/2004

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,961

Applicant(s)

SHAH, DARSHATKUMAR

Examiner

Yogesh C Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 18-22 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) 38-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-22 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on May 17, 2004 is acknowledged and entered. The applicant has cancelled claims 8-17 and 23-30 and amended claims 1, 18 and 20. The applicant has added new claims 33-42. Currently claims 1-7, 18-22 and 31-42 are pending for examination.

Election by Original Presentation

2. Newly submitted claims 38-42 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly added claims 38-42 are directed to an invention for a method for processing orders by graphically presenting products located on a merchant web site, which is independent and distinct from the invention originally claimed. The originally claimed invention is directed to a system and method for facilitating electronic shopping using a shopping basket component but did not require a merchant site graphically presenting products. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 38-42 are withdrawn from consideration as being directed to a non-elected invention. See **37 CFR 1.142(b)** and **MPEP § 821.03**.

Response to Arguments

3.1. In response to the applicant's arguments (see Remarks, page 8) concerning the "Abstract" and furnishing a new abstract, objection to "Abstract" submitted in the previous Office action is withdrawn.

3.2. In response to the applicant's arguments (see Remarks, pages 8-9), concerning the "Oath/Declaration", objection to "Oath/Declaration" submitted in the previous Office action is withdrawn.

3.3. The applicant argues with regards to rejection of claims 1 and 31 (see Remarks, page 10) that Spiegel does not teach or suggest aspects of claimed invention, that is "shopping basket component being programmed to provide drag and drop capabilities wherein a user may drag and drop representations of identified items from a plurality of sources into the graphical image and descriptions of the items will be retained by the shopping basket component ". The examiner respectfully disagrees. Spiegel teaches these limitations (see at least col.10, lines 31-65, " *the shopping cart selection navigation bar can be used for dragging-and-dropping items into the various shopping carts. For example, a user may select an item by depressing a button on a pointing device, then drag the selected item to the selection navigation bar, and drop the item into a shopping cart by releasing the button. When an item is dragged-and-dropped into a shopping cart, "*. Note: When the items are dragged and dropped into the shopping basket they also retain their description in the shopping basket, see FIG.1 and col.5, lines 39-51, "*..FIG. 1 is a diagram of the display illustrating the use of a shopping cart for each electronic commerce context. **The display***

Art Unit: 3625

includes item detailed description 102,... The item detailed description contains information describing the item currently selected by the user. This information may include pricing data, availability data, and a general description of the item. "). These purchase items can be selected from a plurality of Web pages, which represent a plurality of sources (see at least col.1, line 35-col.2, line 54-67, which suggests that the server computer systems provides and displays Web pages in HTML per user request and these web pages represent a plurality of sources as they could belong to different URLs. See also col.6, line 65-col.7, line 1, "*.... The server engine receives HTTP IS requests to access Web pages identified by URLs and provides the Web pages to the client systems*" and FIG.4.).

3.4. The applicant argues (see Remarks, pages 9-10) concerning rejection of claims 1-2, 5-7, and 31-32 under 35 U.S.C. 102 (e) as being anticipated by Spiegel :

Quote, "Unlike applicant's claimed invention which provides for employment of a single universal shopping basket that can be used to concurrently effect transactions with items associated with disparate sources, the multiple shopping baskets of Spiegel et al.; are each associated with one merchant per user context In view of at least the foregoing, it is readily apparent that Spiegel et al. neither teaches nor suggests applicant's invention as recited in independent claims 1 and 31 (and claims 2, 5-7, and 32, which respectively depend from them). This rejection should be withdrawn ", Unquote.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., employment of a single universal shopping basket that can be used to concurrently effect transactions with items associated with disparate sources,) are not recited in the rejected independent claim(s) 1 and 31. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re*

Art Unit: 3625

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claims 1 and 31 recite that the shopping basket component being programmed to provide drag and drop capabilities wherein a user may drag and drop representations of identified items from a plurality of sources. Claims 1 and 31 **do not recite employing a single universal shopping basket effecting transactions with items associated with disparate sources**. A plurality of sources, in plain meaning, can include similar or disparate sources but “disparate sources”, as argued in the remarks narrows the meaning of the recited term “ plurality of sources” that is to sources which are not similar. The claims 1 and 31 also do not recite effecting transactions but instead they recite the capabilities of drag and drop feature to drag and drop representations of identified items from a plurality of resources in the shopping basket component. In addition, the claims 1 and 31 do not recite employing a single universal shopping basket but instead they recite that the system comprises a shopping basket component programmed with drag and drop feature.

In response to applicant's argument that that Spiegel shows multiple shopping carts, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Further, with regards to the applicant's claim that Spiegel' s multiple shopping baskets are each associated with one merchant per user context, the examiner does not agree because Spiegel does not recite so. The examiner has studied the segments from Spiegel reference, that is col.4, lines 6-22

Art Unit: 3625

referred to by the applicant (see Remarks, page 10) and these segments do not teach that each of the multiple shopping carts is associated with one merchant only. As analyzed above the shopping cart is associated with plurality of sources.

3.5. Applicant's arguments with respect to claims 18-19 have been considered but are moot in view of the new ground(s) of rejection necessitated due to the amendment. The applicant has added a new limitation, " associating a shopping basket component with a graphical image on a user interface, wherein the corresponding description of the items will be retained by the shopping basket component " and this limitation was already recited and covered in claim 20, which depends from claim 18. Currently claim 20, after amendment, does not include this limitation. In the previous Office action, see pages 9-11, claim 20 was rejected as being unpatentable over Call and further in view of Spiegel. Therefore, the currently amended claim 18 will be rejected as being unpatentable over Call and further in view of Spiegel.

3.6 The applicant's arguments (see Remarks, pages 11-12) concerning claims 3-4 and 20-22 which depend upon claims 1 and 18 respectively are not persuasive for the same reasons as analyzed above for claims 1 and 18.

In view of the foregoing, the rejection of claims 1-7, 18-22 and 31-32 is maintained. This is a Final action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.1. Claims 1-2, 5-7, and 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Spiegel et al. (US Patent 6, 629, 079 B1), hereinafter, referred to as Spiegel.

Regarding claim 1, Spiegel discloses a system which facilitates electronic shopping (see at least abstract), comprising:

a graphical image component residing on a user interface (see at least FIG. 1, where reference numbers, " 1 2 3 4 and 5" represent graphical image components which can be selected by clicking on any of these components. Also see col.5, lines 39-65, "*.....The display includes the shopping cart selection navigation bar 101, The selection navigation bar contains an area for each of five shopping carts or electronic commerce contexts. Each shopping cart is currently identified by a number between one and five. The shopping cart identified by numbered 2 is currently selected as indicated by shading.* ". Note: The shopping cart areas represented by numbers 1,2...5 correspond to the graphical image components residing on the a user interface) ; and

Art Unit: 3625

a shopping basket component associated with the graphical image component (see at least FIG. 1, where reference numbers, " 1 2 3 4 and 5" represent graphical image components which can be selected by clicking on any of these components. Also see col.5, lines 39-65, "*.....The display includes the shopping cart selection navigation bar 101, The selection navigation bar contains an area for each of five shopping carts or electronic commerce contexts. Each shopping cart is currently identified by a number between one and five. The shopping cart identified by numbered 2 is currently selected as indicated by shading.*"), the shopping basket component being programmed to provide drag and drop capabilities wherein a user may drag and drop representations of identified items from a plurality of sources into the graphical image and descriptions of the items will be retained by the shopping basket component (see at least col.10, lines 31-65, "*For example, the multiple electronic commerce context ("MECC") system may provide a facility to "reset" a context to default values or to "copy" a context. That is, if a user needs to change certain context information (e.g., billing and shipment information), the user can indicate to "reset" or "copy" a context. When a context is "reset," its information may be reset to certain initial values. the shopping cart selection navigation bar can be used for dragging-and-dropping items into the various shopping carts. For example, a user may select an item by depressing a button on a pointing device, then drag the selected item to the selection navigation bar, and drop the item into a shopping cart by releasing the button. When an item is dragged-and-dropped into a shopping cart,*"). Note: The "MECC" limitation in Spiegel allows the user to identify items from a plurality of sources. When the items are dragged and dropped into the shopping basket they also retain their description in the shopping basket, see FIG.1 and col.5, lines 39-51, "*FIG. 1 is a diagram of the display illustrating the use of a shopping cart for each electronic commerce context. The display includes item detailed description 102,.... The item detailed description contains information describing the item*

Art Unit: 3625

currently selected by the user. This information may include pricing data, availability data, and a general description of the item. . . . These purchase items can be selected from a plurality of Web pages, which represent a plurality of sources (see at least col.1, line 35-col.2, line 54-67, which suggests that the server computer systems provides and displays Web pages in HTML per user request and these web pages represent a plurality of sources as they could belong to different URLs. See also col.6, line 65-col.7, line 1, “.... *The server engine receives HTTP IS requests to access Web pages identified by URLs and provides the Web pages to the client systems*” and FIG.4.).

Regarding claim 2, Spiegel further discloses that the system of claim 1, further comprises an ordering component for identifying items retained by the shopping basket component, the ordering component providing for concurrent ordering of the identified items from the respective sources of the identified items (see at least col.5, line 66-col.6, line 11, “..... *When a user selects a shopping cart from the selection navigation bar, the selected shopping cart becomes the current shopping cart, which changes the electronic commerce context. The information in the selection box is updated each time a different shopping cart is selected to reflect the currently selected shopping cart. When a user selects the add-to shopping cart button, the currently selected item is added to the currently selected shopping cart. When a user selects the single-action ordering button, an order is automatically placed for the currently selected item. That item is shipped and billed according to the shipment and billing information of the currently selected shopping cart.* “,).

Regarding claim 5, Spiegel also discloses that in the system of claim 1, the user interface being an Internet browser (see at least FIG.4, col.7, lines 7-13, “*The MECC*

Art Unit: 3625

*system contains various components that perform the functions of multiple electronic commerce context. Various components are described below in detail. **The client system 420 contains a browser 421.** The server and client systems interact by exchanging information via communications link 430, which may include transmission over the Internet. ").*

Regarding claim 6, Spiegel also discloses that in the system of claim 5 the Internet browser and the shopping basket component residing on a client computer., (see at least FIG.4, col.7, lines 7-13, "*The MECC system contains various components that perform the functions of multiple electronic commerce context. Various components are described below in detail. **The client system 420 contains a browser 421.** The server and client systems interact by exchanging information via communications link 430, which may include transmission over the Internet. ").*

Regarding claim 7, Spiegel shows that the system of claim 1, the user interface being a desktop of a client computer and the shopping basket component being a desktop application associated with the graphical image (see at least col.7, lines 23-31, "*.....A client system may comprise any combination of hardware or software that can interact with the server system. These systems may include television-based systems or various other consumer products through which orders may be placed. In general, the client and server system may include a central processing unit, a memory, and storage devices. The multiple electronic commerce context ("MECC") system may be stored in a computer-readable medium such as memory or a CD-ROM....."*

Note: The claimed limitation of desktop and desktop application are covered by Spiegel in his disclosure that *A client system may comprise any combination of hardware or software that can interact with the server system.).*

Regarding computer readable medium having computer-executable components claims 31 and 32, their limitations are already covered in claims 1 and 2 and are therefore analyzed and rejected as being anticipated by Spiegel based on same rational.

Regarding claim 33, Spiegel teaches an electronic shopping cart system, comprising: Interface to one or more registered servers (See FIG.4, " Browser" which corresponds to the interface to one or more registered servers); a component that employs the interface to select an item from at least one registered server and add the item to an electronic shopping basket through a drag and drop approach (see at least col.5, lines 39-65, col.6, line 59-col.7, line 13 and col.10, lines 43-54 which teach that the browser, which corresponds to the interface, is capable of communicating with one or more registered servers and the shopping basket with drag and drop capabilities helps the user to select an item from a web page and drop it into the shopping basket. Note: Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim containing a " recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural limitations of claim 33, including an interface, a component that

Art Unit: 3625

employs the interface to select an item and add it to the shopping basket by drag and drop capability are disclosed in Spiegel as described herein. In addition, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Regarding claim 34, Spiegel teaches comprising a wish list component that stores items that are automatically added to the electronic shopping basket when user defined criteria is met (see at least col.10, lines 54-65, "*...Also, a shopping cart (or more generally an aggregation) can function as a gift registry. That is, a user can select one or more items to be placed in a shopping cart, and the shopping cart can be provided to other users.....*" . Note: The gift registry in Spiegel corresponds to wish list component which are automatically added to the electronic shopping basket as desired by the user.

Regarding claim 35, Spiegel teaches that the electronic shopping basket is invoked through one of an icon on a web browser and a selectable menu option (see at least FIG.1 and FIG.4 which show the use of web browser and selecting a shopping cart be invoking an icon via a selectable menu option of the shopping carts.

Regarding claim 36, its limitations are already covered and analyzed in claim 2.

Regarding claim 37, Spiegel disclosing comprising a search engine that facilitates searching items residing on the servers (see at least FIG.4, "411 Server Engine" corresponds to the claimed limitation).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel and further in view of Call (US Patent 6,154,738).

Regarding claims 3 and 4, Spiegel teaches a system which facilitates electronic shopping as applied to claim 1 and analyzed above. Spiegel does not disclose that in the system of claim 1, the identified items from the plurality of sources having a common schema associated with the descriptions of the items and that common schema being an XML schema. However, Call in the field of same endeavor, teaches that in the system of claim 1, the identified items from the plurality of sources having a common schema associated with the descriptions of the items and that common schema being an XML schema (see at least col.32, lines 20-41, "*The manufacturers preferably provide product information to their connected server in the form of well-formed **eXtensible Markup Language (XML) documents** which may be validated against a standard Document Type Definition (DTD) to which all such product information documents should conform. The schema to which such documents adhere may be advantageously expressed in the Resource Description Framework (RDF) and Syntax Specification, as noted earlier, to facilitate the evolution of standardized*

Art Unit: 3625

content definitions for product and company information. The shared product information server illustrated at 840, in its simplest form, does nothing more than make Internet accessible data storage space available where smaller manufacturers without their own servers can make product and company information available via the Internet.....".). In view of Call, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modifies Spiegel to incorporate the feature of having a common schema associated with the descriptions of the items, identified from a plurality of sources, and that common schema being an XML schema because it helps to present the data from different sources in a format being used by the local web page producer as explicitly shown in Call (see at least col.2, line 64-col.3, line 10).

5.2. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call and further in view of Spiegel.

Regarding claims 18-19, Call teaches a method for facilitating electronic shopping (see at least abstract) , comprising: relating items with descriptions corresponding to each item, the descriptions conforming to a common schema; providing a representation of each item at a respective source; and linking the representation of each item to a respective description of each item and the common schema being an XML schema (see at least col.32, lines 20-41, "*The manufacturers preferably provide product information to their connected server in the form of well-formed **eXtensible Markup Language (XML) documents** which may be validated against a standard Document Type Definition (DTD) to which all such product information documents should conform. **The schema** to which*

Art Unit: 3625

such documents adhere may be advantageously expressed in the Resource Description Framework (RDF) and Syntax Specification, as noted earlier, to facilitate the evolution of standardized content definitions for product and company information. The shared product information server illustrated at 840, in its simplest form, does nothing more than make Internet accessible data storage space available where smaller manufacturers without their own servers can make product and company information available via the Internet.....").

However, Call does not explicitly disclose associating a shopping basket component with a graphical image on a user interface, wherein the corresponding description of the item will be retained by the shopping basket component. However, in the field of same endeavor, Spiegel discloses associating a shopping basket component with a graphical image on a user interface (see at least FIG.1, where reference numbers, " 1 2 3 4 and 5" represent graphical image components which can be selected by clicking on any of these components. Also see col.5, lines 39-65, "*.....The display includes the shopping cart selection navigation bar 101, The selection navigation bar contains an area for each of five shopping carts or electronic commerce contexts. Each shopping cart is currently identified by a number between one and five. The shopping cart identified by numbered 2 is currently selected as indicated by shading.*"), wherein the corresponding description of the item will be retained by the shopping basket component (See at least FIG.1 and col.5, lines 39-51, "*...FIG. 1 is a diagram of the display illustrating the use of a shopping cart for each electronic commerce context. The display includes item detailed description 102,... The item detailed description contains information describing the item currently selected by the user. This information may include pricing data, availability data, and a general description of the item. . "*). In view of Spiegel, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have

Art Unit: 3625

modified Call to incorporate the feature of associating a shopping basket component with a graphical image on a user interface, wherein the corresponding description of the item will be retained by the shopping basket component because use of graphical icons makes it convenient for the users to select and activate options, such as selecting a shopping basket by merely pointing and clicking with a mouse instead of typing commands or reproducing the applications from scratch and then the use of shopping basket component metaphorically helps the buyers to store the items with their descriptions till check out, to review and change the items before being fully satisfied before the final check out, as explicitly disclosed in Spiegel (see at least col. 2, lines 21-34) .

Regarding claims 20-22, Call in view of Spiegel as applied to claim 18 teaches a method for facilitating electronic commerce, as analyzed above. Call in view of Spiegel as applied to claim 18 further discloses use of shopping basket to select and order items (see Call at least col.29, lines 13-31) and that the user interface being one of an Internet browser and a desktop application residing on a client computer (see at least Call, col.32, lines 1-8, "*Consumers and the general public access information and perform transactions via the Internet using **conventional web browsers** (i.e. conventional web browser application programs executing **on desktop computers** or workstations) as exemplified at 803, 804 and 805. Such web browsers typically employ a shared Internet Service Provider (ISP) as indicated at 807 which provides a connection to the Internet 810 "*).

However, Call in view of Spiegel as applied to claim 18 does not explicitly disclose the shopping basket component having drag and drop capabilities wherein a

Art Unit: 3625

user may drag and drop a provided representation of an item of each item using a computer pointer into the graphical image. However, in the field of same endeavor, Spiegel discloses this limitation (see at least col.10, lines 31-65, " *the shopping cart selection navigation bar can be used for dragging-and-dropping items into the various shopping carts. For example, a user may select an item by depressing a button on a pointing device, then drag the selected item to the selection navigation bar, and drop the item into a shopping cart by releasing the button. When an item is dragged-and-dropped into a shopping cart, "*). In view of Spiegel it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Call in view of Spiegel as applied to claim 18 to incorporate the feature that the shopping basket component has drag and drop capabilities wherein a user may drag and drop a provided representation of an item of each item using a computer pointer into the graphical image because drag and drop capabilities make it convenient for the users to select and pick up items and drop them into the shopping basket instead of typing commands or reproducing the applications from scratch, as explicitly suggested in Spiegel (col. 10, lines 43-54).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3625

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

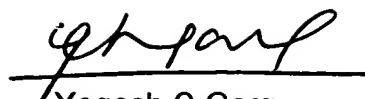
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/699,961

Page 19

Art Unit: 3625

A handwritten signature in black ink, appearing to read 'Yogesh C Garg', written over a horizontal line.

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG

August 19, 2004